THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 1643 of 2004

Between:

1 Moparthi Meenakshamma Divorcee of Late Krishna Murthy,
D/o.Late Sri Govindarajula Abbanna and Smt. Seethayamma, Hindu,

aged 70 years, Cultivation, R/o.Itikayalapalli,
Gokavaram mandal, E.G.District.
2 Moparthi Venkata Krishna Rao S/o. Late Sri Krishna Murthy,
Cultivation, R/o.Itikayalapalli,
Gokavaram mandal, E.G.District.

..... PETITIONERS

AND

1 The State of Andhra Pradesh, rep., by District Collector, E.G. District,

Collectorate, Kakinada-4, E.G. District.
2 The Land Acquisition Officer and Sub-Collector, Rajahmun- dry,
Sub Collector's Office, Rajahmundry.
3 The President of Tarakarama Ramavarapu Ava Lift Irrigation Scheme
[TRRLIS], Water Users'Association,
Sri Mulagada Narayana Rao, Kesavaram, Korukonda, Mandal,

Rajahmundry, Sub-Division, E. G.District.
4 The Executive Engineer, Irrigation Central Division at Dowlaiswaram,

Rajahmundry, E.G. District.
5 Sri Yanamala Ramakrishnudu, S/o.Late Sri Apparao, Hon'ble MLA from

Tuni Constituency, President Finance Minister, R/o. A.V.Nagaram

Village, Thondangi mandal,

E.G.District.

.....RESPONDENTS

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ORDER:

The writ petition has been filed by the petitioners who are two in number assailing the notification issued by the 1st respondent District Collector, East Godavari, dated 31-12-2003 under Section 4 (1) of the Land Acquisition Act.

A counter affidavit has been filed by the 4th respondent. Subsequently, an additional counter affidavit has been filed by the 4th respondent on 4-8-2005. It is stated in the additional counter affidavit, that the lands of the petitioners are being deleted from the notification issued under Section 4(1) of the Act. I deem it appropriate to refer to the relevant portion of the counter affidavit and it reads thus:-

> "It is clearly shows that the Alignment of PLIS and TRRALIS run parallel and do not intercept each other. The D.N & D.D published earlier in respect of R.S.No's.201, 211 & 213 of Gadela Palem Village will be withdrawn. In this connection, it is submitted that all the other land owners on left side of the petitioner's land for a stretch of 5.50 KM and 29.00 KM on right side of the petitioner's land allowed the Government to excavate the canal without raising any objections. With their active support the Government could complete excavation of canal up to 38.00 KM leaving the lands lying in a stretch of 0.500 KM in the petitioner's land and 3.50 KM in other petitioners lands covered in W.P.No.3424, 3563 of 2004."

Heard the counsel for the petitioners and the learned Government Pleader for Land Acquisition appearing on behalf of the respondents 1 and 2 and the learned

Government Pleader for Irrigation appearing on behalf of the respondent No.4.

The petitioners are concerned with Survey No.201, 211 & 213.

In the counter affidavit filed by the 4th respondent, it has been stated that notification issued in respect of S.No.201, 211 and 213 is being withdrawn. In view of the specific statement made by the 4th respondent in the counter affidavit, the writ petition does not survive.

Accordingly, the writ petition is dismissed as infructuous. No costs.

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16th August, 2005.

mrb